

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH YELLOW HAMMER, SR.,

Defendant.

**CR-17-22-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 25, 2021. (Doc. 86.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on February 23, 2021. (Doc. 81.) The United States accused Yellow Hammer of violating his conditions of

supervised release 1) by failing to report for substance abuse testing; 2) by failing to report for substance abuse treatment; 3) by failing to maintain weekly telephone contact with his probation officer; and 4) by failing to reside at the facility approved by his probation officer. (Doc. 78.)

At the revocation hearing, Yellow Hammer admitted to violation the conditions of his supervised release 1) by failing to report for substance abuse testing; 2) by failing to report for substance abuse treatment; 3) by failing to maintain weekly telephone contact with his probation officer; and 4) by failing to reside at the facility approved by his probation officer. (Doc. 81.) Judge Johnston found that the violations Yellow Hammer admitted proved to be serious and warranted revocation, and recommended that Yellow Hammer receive a custodial sentence of 6 months, with no supervised release to follow. (Doc 86.) Yellow Hammer was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 81.) The violations prove serious and warrant revocation of Yellow Hammer's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 86) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Joseph Yellow Hammer, Sr. be sentenced to the

custody of the United States Bureau of Prisons for 6 months, with no supervised release to follow.

DATED this 12th day of March, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a large, stylized "B" and "M".

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Brian Morris, Chief District Judge  
United States District Court